IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

LA.App.No. 709 of 2001

LAR.164/1995 of II ADDL.SUB COURT,TRIVANDRUM
.....

APPELLANT/ RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

RESPONDENTS/CLAIMANTS:
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1. **P. RAVEENDRAN ASSARI, POOKATTUPLAVILA PUTHENVEEDU, VENGANOOR, THIRUVANANTHAPURAM.**

ADDL.2. HEMAKUMAR, S/O. LATE RAVEENDRAN ASSARI, RESIDING AT REVATHY BHAVAN, POONCODE, PLAVILA PUTHENVEEDU, BHAGAVATHY NADA P.O.

3. **HEMA LATHA, D/O. LATE RAVEENDRAN ASSARI, RESIDING AT -DO- -DO-**

4. **HEMAKUMARI, D/O. LATE RAVEENDRAN ASSARI, RESIDING AT -DO- -DO-**

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

LA.App.No. 709 of 2001

Order on I.A. No. 1717/2005 in L.A.A. No. 709/2001

Dismissed.

	Sd/-	**Sd/-**
	KURIAN JOSEPH	**HARUN-UL-RASHID**
20.09.2007	**JUDGE**	**JUDGE**

// True Copy //

P.A. to Judge.

smp

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

C.M.P. NO. 3688 OF 2001
IN
L.A.A. NO. 709 OF 2001

Dated this the 20th day of September, 2007.

O R D E R

Kurian Joseph, J.

This is a petition to condone the delay of 132 days in filing the appeal on merits. It is seen that the appeal is filed against the judgment and decree in L.A.R. No. 164/1995 on the file of II Additional Sub Court, Thiruvananthapuram. Acquisition is for the purpose of Chalai bye-pass. Section 4(1) notification is dated 14.08.1992.

2. The extent involved is only 0.29 Ares. The Land Acquisition Officer fixed the land value at the rate of Rs. 69,342/- per Are, which was enhanced to Rs. 95,218/- per Are by the reference court. It is seen that the reference court has adopted the mode of valuation in Exhibit A1.

Be that as it may, since the extent involved is only very small and since it is a notification of 1992, we do not think it necessary to issue notice to the claimants in this case at this

distance of time. Therefore, the application for condonation of delay is dismissed. The appeal is also dismissed. It is made clear that the decision is not on merits of the case, but mainly taking note of the small extent involved in the case.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 709 OF 2001

Dated this the 20th day of September, 2007.

J U D G M E N T

Kurian Joseph, J.

In view of the order in C.M.P. No. 3688 of 2001 in L.A.A. No. 709 of 2001 dated 20.09.2007, this appeal is dismissed.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. NO. 709 OF 2001

J U D G M E N T

20.09.2007